

HOUSE JOURNAL

OF THE

IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

**ELEVENTH LEGISLATIVE DAY
THURSDAY, JANUARY 19, 2012**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused – Jaquet. Total – 1.
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Susie McHan, Page.

Approval of Journal

January 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Tenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

Report of Standing Committees

January 19, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [H 374](#), [H 375](#), [H 376](#), [H 377](#), [H 378](#), [H 379](#), [H 380](#), and [H 381](#).

WILLS, Chairman

[H 374](#), [H 375](#), and [H 376](#) were referred to the Business Committee.

[H 377](#), [H 378](#), and [H 379](#) were referred to the Resources and Conservation Committee.

[H 380](#) and [H 381](#) were referred to the State Affairs Committee.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

**HOUSE BILL NO. 382
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO THE PROFESSIONAL STUDIES ACCOUNT; AMENDING SECTION 33-3721, IDAHO CODE, TO REMOVE A REFERENCE TO STATE APPROPRIATIONS.

**HOUSE BILL NO. 383
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO EDUCATION AND THE IDAHO OPPORTUNITY SCHOLARSHIP PROGRAM; AMENDING SECTION 33-5608, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ADMINISTRATIVE COSTS OF THE PROGRAM.

**HOUSE BILL NO. 384
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO PUBLIC INSTITUTIONS OF HIGHER EDUCATION; AMENDING SECTION 33-3717B, IDAHO CODE, TO REVISE PROVISIONS OF RESIDENCY REQUIREMENTS FOR PUBLIC INSTITUTIONS OF HIGHER EDUCATION RELATING TO RESIDENT STUDENTS.

**HOUSE BILL NO. 385
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO COMMUNITY COLLEGES; AMENDING SECTION 33-2139, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO MONEYS CREDITED TO THE COMMUNITY COLLEGE ACCOUNT AND TO PROVIDE THAT THE STATE TREASURER SHALL MAKE CERTAIN DISBURSEMENTS; AND AMENDING SECTION 33-2141, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISBURSEMENT OF FUNDS FROM THE STATE COMMUNITY COLLEGE ACCOUNT AND TO REVISE TERMINOLOGY.

**HOUSE BILL NO. 386
BY EDUCATION COMMITTEE
AN ACT**

RELATING TO SCHOLARSHIPS; AMENDING SECTION 33-4302, IDAHO CODE, TO REVISE PROVISIONS RELATING TO ELIGIBILITY OF A SCHOLARSHIP OF A SPOUSE OR CHILD, TO ESTABLISH PROVISIONS RELATING TO ELIGIBILITY FOR A SCHOLARSHIP FOR A CHILD OF A MILITARY MEMBER, TO ESTABLISH PROVISIONS RELATING TO ELIGIBILITY FOR A SCHOLARSHIP FOR A SPOUSE OF A MILITARY MEMBER, TO REVISE PROVISIONS RELATING TO AN INDIVIDUAL WHO RECEIVES A SCHOLARSHIP, TO REVISE PROVISIONS RELATING TO EDUCATIONAL QUALIFICATIONS, TO REVISE TERMINOLOGY, TO REVISE PROVISIONS RELATING TO CERTAIN BENEFITS, TO ESTABLISH PROVISIONS RELATING TO AN APPROPRIATION, TO REVISE PROVISIONS RELATING TO MEMBERS OF THE ARMED FORCES AND TO PROVIDE FOR RULES; AND AMENDING SECTION 33-4302A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SCHOLARSHIPS FOR THE SPOUSE OR CHILD OF A PUBLIC SAFETY OFFICER, TO ESTABLISH PROVISIONS RELATING TO THE ELIGIBILITY OF A CHILD OF A PUBLIC SAFETY OFFICER, TO ESTABLISH PROVISIONS RELATING TO THE ELIGIBILITY OF A SPOUSE OF A PUBLIC SAFETY OFFICER, TO REVISE PROVISIONS RELATING TO CERTAIN BENEFITS, TO ESTABLISH PROVISIONS RELATING TO AN APPROPRIATION, TO

PROVIDE FOR RULES, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 387
BY LOCAL GOVERNMENT COMMITTEE
AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING SECTION 63-602G, IDAHO CODE, TO PROVIDE THAT A HOMESTEAD HAVING PREVIOUSLY QUALIFIED FOR EXEMPTION SHALL NOT LOSE SUCH QUALIFICATION DUE TO THE OWNER'S ABSENCE FOR CERTAIN REASONS, TO PROVIDE THAT A CERTAIN EXEMPTION SHALL NOT BE IMPAIRED FOR CERTAIN REASONS, TO PROVIDE THAT A CERTAIN EXEMPTION SHALL FAIL FOR CERTAIN REASONS, TO PROVIDE THAT THE OWNER OF A HOMESTEAD PREVIOUSLY QUALIFIED FOR EXEMPTION IS NOT REQUIRED TO MAKE A SEPARATE APPLICATION TO CONTINUE QUALIFICATION OF THE EXEMPTION DURING THE TIME OF MILITARY, HUMANITARIAN OR RELIGIOUS SERVICE, TO PROVIDE FOR NOTICE, TO PROVIDE THAT SUCH NOTICE SHALL IDENTIFY CERTAIN MATTERS, TO PROVIDE FOR A DECLARATION, TO PROVIDE FOR A FILING, TO PROVIDE FOR A REBUTTABLE PRESUMPTION, TO ESTABLISH PROVISIONS RELATING TO A REFUND, TO PROVIDE FOR A CONTESTED CASE, TO PROVIDE FOR INTEREST AND TO PROVIDE THAT THE BOARD OF COUNTY COMMISSIONERS SHALL REFUND CERTAIN TAXES IN CERTAIN INSTANCES; AND AMENDING SECTION 63-701, IDAHO CODE, TO PROVIDE FOR APPLICATION OF LAW.

HOUSE BILL NO. 388
BY HEALTH AND WELFARE COMMITTEE
AN ACT

RELATING TO EARLY CHILDHOOD AND EARLY INTERVENTION SERVICES; AMENDING THE HEADING FOR CHAPTER 1, TITLE 16, IDAHO CODE; AMENDING SECTION 16-101, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LEGISLATIVE FINDINGS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-102, IDAHO CODE, TO REVISE PROVISIONS RELATING TO CERTAIN POLICY OF THE STATE OF IDAHO; AMENDING SECTION 16-103, IDAHO CODE, TO DEFINE TERMS, TO REVISE DEFINITIONS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-104, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EARLY INTERVENTION SYSTEM; AMENDING CHAPTER 1, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-104A, IDAHO CODE, TO PROVIDE FOR THE EARLY CHILDHOOD COMPREHENSIVE SYSTEM AND TO PROVIDE FOR THE RESPONSIBILITIES OF SUCH SYSTEM; AMENDING SECTION 16-105, IDAHO CODE, TO REVISE THE NAME OF A CERTAIN COUNCIL, TO PROVIDE THAT THE GOVERNOR SHALL DESIGNATE THE EARLY CHILDHOOD COORDINATING COUNCIL TO SERVE AS THE STATE ADVISORY COUNCIL, AND TO REVISE AND TO ESTABLISH ADDITIONAL PROVISIONS RELATING TO MEMBERSHIP QUALIFICATIONS AND MEMBERSHIP MAKEUP OF THE EARLY CHILDHOOD COORDINATING COUNCIL; AMENDING SECTION 16-106, IDAHO CODE, TO REVISE AND TO PROVIDE ADDITIONAL AUTHORITY AND DUTIES OF THE EARLY CHILDHOOD COORDINATING COUNCIL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-107, IDAHO

CODE, TO REVISE PROVISIONS RELATING TO THE RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND WELFARE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-108, IDAHO CODE, TO REVISE THE NAME OF CERTAIN COMMITTEES, TO REVISE PROVISIONS RELATING TO THE REGIONAL EARLY CHILDHOOD COMMITTEES AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-109, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE INDIVIDUALIZED FAMILY SERVICE PLAN AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 16-110, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 16-111, IDAHO CODE, TO ESTABLISH THE EARLY INTERVENTION SERVICES FUND, TO PROVIDE MONEYS FOR SUCH FUND, TO REVISE PROVISIONS RELATING TO THE ALLOCATION OF MONEYS FROM SUCH FUND, TO PROVIDE REQUIREMENTS IN THE EVENT CERTAIN FEDERAL MONEYS ARE NO LONGER AVAILABLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING CHAPTER 1, TITLE 16, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 16-111A, IDAHO CODE, TO ESTABLISH THE EARLY CHILDHOOD COMPREHENSIVE SYSTEM FUND, TO PROVIDE MONEYS FOR SUCH FUND, TO SPECIFY EXPENDITURE REQUIREMENTS FOR SUCH FUND, TO PROVIDE THAT INTEREST EARNED FROM THE INVESTMENT OF MONEYS IN SUCH FUND SHALL BE RETAINED IN SUCH FUND AND TO PROVIDE THAT UPON A CERTAIN CONDITION SUCH FUND SHALL BE DISSOLVED; AMENDING SECTION 16-112, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE PROHIBITED USE OF MONEYS FROM THE EARLY INTERVENTION SERVICES FUND; AMENDING SECTION 16-113, IDAHO CODE, TO REVISE TERMINOLOGY, TO REVISE THE NAME OF A CERTAIN ENTITY AND TO MAKE A TECHNICAL CORRECTION; AND PROVIDING A SUNSET DATE.

HOUSE BILL NO. 389
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO WEIGHTS AND MEASURES; AMENDING SECTION 71-409, IDAHO CODE, TO PROVIDE THAT CERTAIN FEES SHALL BE DEPOSITED IN THE WEIGHTS AND MEASURES DEDICATED FUND.

HOUSE BILL NO. 390
BY AGRICULTURAL AFFAIRS COMMITTEE
AN ACT

RELATING TO VETERINARIANS; AMENDING SECTION 54-2107, IDAHO CODE, TO REMOVE A PROVISION RELATING TO THE RETURN OF THE LICENSE FEE PORTION OF THE APPLICATION FEE UNDER CERTAIN CONDITIONS.

HOUSE BILL NO. 391
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO THE PRIMARY ELECTION; AMENDING SECTION 34-102, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-601, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-713, IDAHO CODE, TO DELETE REFERENCE TO THE

PRESIDENTIAL PRIMARY; REPEALING SECTIONS 34-731 THROUGH 34-739, IDAHO CODE, RELATING TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-1205, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PREFERENCE PRIMARY; AMENDING SECTION 34-1208, IDAHO CODE, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY; AND DECLARING AN EMERGENCY.

Whereupon the Speaker declared the House adjourned at 11:17 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk

HOUSE BILL NO. 392
BY STATE AFFAIRS COMMITTEE
AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-102, IDAHO CODE, TO REVISE THE DATE ON WHICH PRIMARY ELECTIONS SHALL BE HELD AND TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 34-106, IDAHO CODE, TO REVISE THE DATE ON WHICH CERTAIN ELECTIONS MAY BE HELD, TO PROVIDE THAT PRIMARY ELECTIONS SHALL BE HELD ON THE FIRST TUESDAY AFTER THE FIRST MONDAY IN AUGUST OF EACH EVEN-NUMBERED YEAR AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 34-601, IDAHO CODE, TO REVISE THE DATE ON WHICH PRIMARY ELECTIONS SHALL BE HELD, TO DELETE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION AND TO PROVIDE THAT ALL OTHER ELECTIONS SHALL BE HELD ON DATES PROVIDED IN A CERTAIN CODE SECTION; AMENDING SECTION 34-713, IDAHO CODE, TO DELETE REFERENCE TO A CERTAIN PUBLICATION; REPEALING SECTIONS 34-731 THROUGH 34-739, IDAHO CODE, RELATING TO THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION; AMENDING SECTION 34-1205, IDAHO CODE, TO REMOVE REFERENCE TO THE PRESIDENTIAL PREFERENCE PRIMARY ELECTION; AMENDING SECTION 34-1208, IDAHO CODE, TO REMOVE REFERENCE TO THE PRESIDENTIAL PRIMARY ELECTION; AMENDING SECTION 21-806, IDAHO CODE, TO REVISE THE DATE ON WHICH A CERTAIN ELECTION SHALL BE HELD; AND DECLARING AN EMERGENCY.

[H 382](#), [H 383](#), [H 384](#), [H 385](#), [H 386](#), [H 387](#), [H 388](#), [H 389](#), [H 390](#), [H 391](#), and [H 392](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

[HP 5](#), by Transportation and Defense Committee, was read the second time by title and filed for third reading.

[H 356](#), [H 357](#), [H 358](#), [H 360](#), [H 361](#), and [H 362](#), by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 8 a.m., Friday, January 20, 2012. Seconded by Mr. Rusche. Motion carried.